

RESPONSE TO PETITION FOR CHILD SUPPORT MODIFICATION

King County Family Law Facilitators: Instruction # C-2
Revised Code of Washington 26.09.175
King County Local Rules

STEP 1: REVIEW THE DOCUMENTS YOU HAVE BEEN SERVED WITH

The other party should have served you with the following documents:

- Summons for Support Modification
- Petition for Support Modification
- Financial Declaration
- Sealed Financial Source Documents cover sheet with attachments
- Child Support Worksheets WSCSS – Worksheets or WSCSS – Worksheets RDP (Registered Domestic Partnership)
- Case Schedule

STEP 2: OBTAIN THE NECESSARY FORMS AND DOCUMENTS AND RESPOND BEFORE THE DEADLINE

You must file and serve your response before the response deadline:

- 20 DAYS, if you were served in the State of Washington.
- 60 DAYS, if you were served outside of the State of Washington.

IF YOU DO NOT RESPOND BEFORE THE DEADLINE, THE COURT MAY ENTER AN ORDER OF DEFAULT AGAINST YOU AND THE OTHER PARTY MAY RECEIVE EVERYTHING THAT WAS REQUESTED IN THE PETITION.

Gather the necessary financial documents (which you will attach to the Sealed Financial Source Documents cover sheet):

- All pay stubs showing income for the past 6 months (if you do not receive pay stubs for any of this period, submit other documents showing all income received from whatever source, and the deductions from income, for any such periods).
- Complete personal tax returns for the prior 2 years together with all schedules and W2 forms.
- Complete partnership and corporate tax returns together with all schedules and attachments for the past 2 years for all partnerships and corporations in which a party's interest is five percent or greater.
- All statements related to accounts in financial institutions in which the parties have or had an interest during the last 6 months. "Financial Institutions" includes banks, credit unions, mutual fund companies and brokerages.
- If a party receives or has received non-taxable income or benefits (for example, from a trust, barter, gift, etc.), documents that show receipts, the source, and any deductions, for the past 2 years.
- (Check registers shall also be supplied within 14 days if requested by the other party).

STEP 3: COMPLETE THE RESPONSE FORMS

These forms can be downloaded at: www.courts.wa.gov/forms

- **Response to Petition for Modification of Child Support, WPF DR 06.0300.**
You must check “Admitted”, “Denied”, or “Lacks Information” as it corresponds to each numbered line of the Petition.
- **Child Support Worksheets WSCSS – Worksheets or WSCSS – Worksheets RDP (Registered Domestic Partnership)**
Read the “[Child Support Schedule and Instructions](https://fortress.wa.gov/dshs/csips/ssgen/)” for information about how to complete the Worksheets. Online Child Support Calculation software is available at <https://fortress.wa.gov/dshs/csips/ssgen/>.
- **Financial Declaration, WPF DRPSCU 01.1550.**
Fill out this form with your information. Some sections require you to supply the court with the other party’s information. If you do not have this information, make the best estimate possible.
- **Sealed Financial Source Documents, WPF DRPSCU 09.0220.**
Gather the financial documents listed in Step 2 above and attach **copies** of the documents to this cover sheet. The documents filed under this cover sheet will not be available for viewing by the general public, except by court order. Parties and attorneys of record in the case will have access to the documents. A separate copy of the cover sheet, without attachments, should be filed at the same time and will be part of the court public record.
- **Declaration of Mailing or Delivery, or Return of Service, DRPSCU 01.0250**
You will fill out this form after you have mailed or delivered copies of your response documents to the other party or the other party’s attorney. Keep one copy for your records and file the original with the Clerk’s office.
- **Declaration, WPF DRPSCU 01.0100**
Use this form for your Trial Affidavit. This affidavit is your opportunity to explain your financial situation and respond to the petitioning party’s trial affidavit. Check your Case Schedule for the date it is due. See Step 7 for more information.

STEP 4: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for less cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low-income people. Contact the Facilitators’ office for a “Legal Resource List” or the King County Bar Association Lawyer Referral Line for information about resources for low-income people. Even if you do not hire a lawyer to represent you throughout the proceeding, a lawyer can look over your paperwork, give you advice on how to present your evidence, and tell you whether this type of action is right for you.

STEP 5: MAKE COPIES, FILE WITH CLERK AND HAVE THE OTHER PARTY SERVED

Make 2 sets copies of the first four forms listed in Step 2. (Make 3 sets of copies if either party has ever received public assistance.)

<i>Originals</i>	<i>Copy Set #1</i>	<i>Copy Set #2</i>	<i>Copy Set #3</i>
File with Clerk's Office <ul style="list-style-type: none"> • Response form • Child Support Worksheets • Financial Declaration • Sealed Financial Source Documents cover sheet with Attachments 	Mail or Deliver to the other party (or their attorney) OR have the other party personally served <ul style="list-style-type: none"> • Response form • Child Support Worksheets • Financial Declaration • Sealed Financial Source Documents cover sheet with Attachments 	Keep for your records <ul style="list-style-type: none"> • Response form • Child Support Worksheets • Financial Declaration • Sealed Financial Source Documents cover sheet with Attachments 	Mail or Deliver to Prosecuting Attorney if either party has ever received public assistance <ul style="list-style-type: none"> • Response form • Child Support Worksheets • Financial Declaration • Sealed Financial Source Documents cover sheet with Attachments

File the originals of these forms with the Clerk's Office before the Response Deadline (see Step 2). You may stamp your copies with the Clerk's date stamp to indicate the date you filed the documents.

Have the other party served with a set of copies. Service can be by mail or delivery. If the other party is represented by an attorney, mail or deliver to the attorney instead. You may also have someone other than yourself who is over the age of 18 serve the documents personally. The server, whether you or another person, must complete and sign either a Declaration of Mailing or Delivery form or a *Return of Service* (WPF DRPSCU 01.0250). Keep one copy for your records and file the original with the Clerk's office. For more information see Facilitator Instruction #S-1

Keep one copy of all the forms for yourself.

If either party has ever been on public assistance, you must deliver a set of copies to the PROSECUTING ATTORNEY'S OFFICE, FAMILY SUPPORT UNIT.

STEP 6: FOLLOW YOUR CASE SCHEDULE AND PREPARE FOR TRIAL

You must follow your Case Schedule after completing Steps 1 - 5. If you did not receive a Case Schedule from the other party, you can copy it from your file in the Clerk's Office. You will have a trial in approximately three (3) months. Be sure to mark your calendar with the deadline for filing your trial affidavit and delivering your working papers. See Step 7 below.

The Facilitators cannot assist you with actual trial preparation or give you legal advice. If you need this kind of assistance, consult the *Legal Resource List* available from the Facilitators' office.

STEP 7: FILE TRIAL AFFIDAVIT, DELIVER WORKING PAPERS

Prepare your Trial Affidavit. Using a Declaration form, explain anything about your income and expenses that you feel is relevant. You may also discuss the expenses and income of the petitioning party. Make 3 copies of this document (4, if the Prosecuting Attorney's Office is involved in the case). File the original in the Clerk's Office. Deliver a copy to the opposing party and include a copy in your working papers. Check the Case Schedule for the date this document is due.

Deliver "Working Papers" to the Judges' Mailroom by 12:00 p.m. (noon) on the date listed in your Case Schedule.

Working Papers consist of the following:

- A copy of your Response to Petition for Modification of Child Support;
- A copy of your Child Support Worksheets;
- A copy of your Financial Declaration
- A copy of your Sealed Financial Source Documents cover sheet with copies of your financial documents attached (see Step 2);
- A copy of your Declaration of Mailing or Delivery or Return of Service (attach receipt if served by mail)
- A copy of your Trial Affidavit
- Copies of any other documents you may have filed and/or served. *These may include your "proposed" orders: Findings and Conclusions on Modification of Child Support (WPF DR 06.0600), Order on Modification of Child Support (WPF DR 06.0700), and Order of Child Support (WPF DR 01.0500). You should seek legal advice about whether or not you need to submit these documents.*

Write the following in the top right hand corner of the first page of the Working Papers:

WORKING PAPERS

TRIAL ASSIGNMENT COORDINATOR

TRIAL BY AFFIDAVIT: _____
(LIST YOUR TRIAL DATE)

Presented by: _____
(Print your name)

STEP 8: ATTEND THE TRIAL

Bring the following completed original forms to your trial:

- Findings and Conclusions on Modification of Child Support
- Order of Child Support
- Order on Modification of Child Support
- Child Support Worksheets
- Copies of all the documents relating to your case.

On the morning of your trial, go to the courtroom and check in with the courtroom clerk. Be on time. You will have approximately 20 minutes to present your case. Be organized, have all your documents in order.

If you would like copies of the documents signed by the Judge, tell the courtroom clerk. Do not leave the courthouse with the originals of these documents. The originals must be filed with the clerk in the courtroom or in the Clerk's Office.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court). If you need a lawyer, contact the Family Law Facilitators' Office for a Legal Resource List or call the King County Bar Association.